

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: National Office Furniture,
Division of Kimball International, Inc.

Mailing Address: P.O. Box 155
Fordsville, Kentucky 42343

is authorized to operate a
wooden office furniture manufacturing plant at

Facility Name: National Office Furniture
Mailing Address: P.O. Box 155
Fordsville, Kentucky 42343

Facility Location: Highway 69 South

PERMIT TYPE: Federally-Enforceable Title V
Review Type: NESHAP
Permit Number: V-97-007
Log Number: E744
Facility ID #: 077-3080-0039
FINDS Number: KYD000207241
SIC Code: 2521

Region: Evansville/Owensboro/Henderson
County: Ohio

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be administratively and technically complete, the Kentucky Division for Air Quality hereby authorizes the operation of the processing and air pollution control equipment described herein in accordance with the plans, specifications, permit application, and other information submitted by the permittee. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, alter, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority .

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

24 (2-6) Finish Line #1 consisting of five spray booths 2-6.

APPLICABLE REGULATIONS:

40 CFR 63 Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations;
401 KAR 61:020, Existing process operations

1. Operating Limitations:

See Group Requirements

2. Emission Limitations:

401 KAR 61:020:

1. Particulate emissions shall not exceed 2.58 lbs/hr.
2. Opacity shall not equal or exceed 20%.

Voluntary, as a condition for synthetic minor classification:

Volatile organic compound (VOC) emissions shall be less than 250 tons per rolling
12 month period.

3. Testing Requirements: None

4. Monitoring Requirements: None

5. Specific Record Keeping Requirements: See Group Requirements

6. Specific Reporting Requirements: See Group Requirements

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

26 (7, 8, 9, 10, 11, 14, 15, 16, 17, 18,) Finish Line #2, consisting of ten spray booths 7-11, 14-18.

APPLICABLE REGULATIONS:

- a. 40 CFR 63 Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations
- b. 401 KAR 59:010, New Process Operations

1. Operating Limitations: See Group Requirements

2. Emission Limitations:

401 KAR 59:010, New process operations;

1. Section 3: PM emissions shall not exceed 2.34 lbs/hr.

2. Section 3: Visible emissions shall not equal or exceed 20% opacity.

Voluntary, as a condition for synthetic minor classification;

Volatile organic compound (VOC) emissions shall be less than 250 tons per rolling 12 month period.

3. Testing Requirements: None

4. Monitoring Requirements: None

5. Specific Record Keeping Requirements: See Group Requirements

6. Specific Reporting Requirements: See Group Requirements

7. State Origin Requirements: None

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

25 (30, 31, 32, 34, 35) Finish Line #3, consisting of five spray booths 30-32, 34, 35.

APPLICABLE REGULATIONS:

- a. 40 CFR 63 Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations
- b. 401 KAR 59:010, New Process Operations

1. Operating Limitations: See Group Requirements

2. Emission Limitations:

401 KAR 59:010, New process operations;

1. Section 3: PM emissions shall not exceed 2.34 lbs/hr.

2. Section 3: Visible emissions shall not equal or exceed 20% opacity.

Voluntary, as a condition for synthetic minor classification;

Volatile organic compound (VOC) emissions shall be less than 40 tons per rolling 12 month period.

3. Testing Requirements: None

4. Monitoring Requirements: None

5. Specific Record Keeping Requirements: See Group Requirements

6. Specific Reporting Requirements: See Group Requirements

7. State Origin Requirements: None

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

GROUP Requirements

LIST of POINTS ()-

20 (2) 300 Hp. Superior Mohawk Boiler with North American Mfg. #6121-12.6 Burner
Rated Capacity: 13 MMBTU/hr
Constructed: September 1977
Fuel: Natural Gas, #2 Fuel Oil backup

21 (1) 250 Hp. Superior Boiler Model 4-5-1276 SNA with North American Mfg. #6121-10.5 Burner
Rated Capacity: 11 MMBTU/hr
Constructed: December 1973
Fuel: Natural Gas, #2 Fuel Oil backup

1. Operating Limitations: None

2. Emission Limitations: 401 KAR 59:015, New indirect heat exchangers

- a. Section 5: Particulate matter emissions shall not exceed 0.43 lbs/MMBTU actual heat input.
- b. Section 5: Visible emissions shall not exceed 20% opacity.
- c. Section 6: Sulfur dioxide emissions shall not exceed 1.9 lbs/MMBTU actual heat input..

3. Testing Requirements: None

4. Specific Monitoring Requirements: None

5. Specific Record Keeping Requirements:

401 KAR 50:060, Section 1- Records of fuel usage as million cubic feet of natural gas burned, and gallons of fuel oil burned shall be kept on a monthly basis. Records of fuel oil burned shall include an analysis of ash and sulfur content. Records shall be retained for a period of five years.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

GROUP Requirements:

LIST of POINTS ()-

24 (2-6) Finish Line #1, consisting of five spray booths, 2-6

26 (7, 8, 9, 10, 11, 14, 15, 16, 17, 18) Finish Line #2, consisting of ten spray booths, 7-11, 14-18

25 (30, 31, 32, 34, 35) Finish Line #3, consisting of five spray booths, 30-32, 34, 35

APPLICABLE REGULATIONS:

40 CFR 63 Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations

1. Operating Limitations:

- a. 40 CFR 63.802, **EMISSION LIMITS FOR FINISH MATERIALS:** Volatile Hazardous Air Pollutant (VHAP) emissions shall not exceed the limits presented in Table 3 of 40 CFR 63 Subpart JJ.
- b. 40 CFR 63.802, **STRIPPABLE SPRAY BOOTH COATINGS:** shall contain no more than 0.8 lb VOC per lb solids.
- c. 40 CFR 63.803, **OPERATOR TRAINING:** Personnel involved in finishing, gluing, cleaning, and washoff operations shall be trained in appropriate application, cleaning, and washoff procedures, equipment setup and adjustment to minimize finishing material usage and overspray, and appropriate management of cleanup wastes. This training shall be completed within six months of the compliance date (November 21, 1997) for existing personnel. New personnel shall be trained upon hiring. All personnel shall be given refresher training annually.
- d. 40 CFR 63.803, **WASHOFF AND CLEANING SOLVENTS:** Cleaning or washoff solvents that contain any of the pollutants listed in 40CFR 63, Subpart JJ, Table 4, in concentrations subject to MSDS reporting as required by OSHA, shall not be used. Emissions from washoff shall be further controlled by using normally closed tanks to contain washoff, and orientation of the part to drain as much solvent as possible.
- e. 40 CFR 63.803, **SPRAY BOOTH CLEANING:** Compounds containing more than 8.0 percent by weight of VOC shall not be used for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is the spray booth coating or other protective material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent per booth to prepare the surface of the booth prior to applying the booth coating.
- f. 40 CFR 63.803, **LINE AND GUN CLEANING:** Normally closed containers shall be used to contain all organic solvent used to clean lines and spray guns.
- g. 40 CFR 63.803, **STORAGE REQUIREMENTS:** Normally closed containers shall be used for storing finishing, gluing, cleaning, and washoff materials.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- h. 40 CFR 63.803, **APPLICATION EQUIPMENT REQUIREMENTS:** Conventional air spray guns shall be used to apply finishing materials only under any of the following circumstances:
 - 1. To apply finishing materials that have a VOC content no greater than 1.0 lb VOC/lb solids, as applied;
 - 2. For touchup and repair under the following conditions:
 - (a) The touchup and repair occurs after completion of the finishing operation; or
 - (b) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material and the material used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons.
 - 3. The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0 percent of the total gallons of finishing material used during that semiannual period.
 - i. 40 CFR 63.803, **LEAK INSPECTION REQUIREMENTS:** As a minimum, all equipment used to transfer or apply coatings, adhesives, or organic solvents shall be visually inspected once per month. A first attempt at repair (e.g., tightening of packing glands) shall be made no later than five calendar days after the leak is detected, and final repairs shall be made within 15 calendar days after the leak is detected, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three months
 - j. 40 CFR 63.802, **ADHESIVES:** Volatile Hazardous Air Pollutant (VHAP) content of contact adhesives applied to porous substrates shall not exceed 1.0 lb VHAP/ lb. solids as applied.
- 2. **Emission Limitations:** None
 - 3. **Testing Requirements:** None
 - 4. **Monitoring Requirements:** None
 - 5. **Specific Record Keeping Requirements:**
 - A. **TRAINING PROGRAM:** as specified in 1.c, Operator Training, for personnel involved in finishing, gluing, cleaning, and washoff operations. The program shall include, at a minimum the following:
 - (1) A list of all current personnel by name and job description that are required to be trained;
 - (2) An outline of the subjects to be covered in the initial and refresher training for each position or group of personnel;
 - (3) Lesson plans for courses to be given at the initial and the annual refresher training that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize finishing material usage and overspray, and appropriate management of cleanup wastes; and

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- (4) A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion.

B. LEAK INSPECTION AND MAINTENANCE PLAN that specifies:

- (1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings, adhesives, or organic solvents;
- (2) An inspection schedule;
- (3) Methods for documenting the date and results of each inspection and any repairs that were made;
- (4) The time frame between identifying the leak and making the repair, which adheres, at a minimum, to the following schedule:
 - (a) First attempt at repair (e.g., tightening of packing glands) shall be made no later than five calendar days after the leak is detected; and
 - (b) Final repairs shall be made within 15 calendar days after the leak is detected, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three months.

C. CLEANING AND WASHOFF SOLVENT ACCOUNTING SYSTEM to include:

- (1) The quantity and type of organic solvent used each month for washoff and cleaning, as defined in 40 CFR 63.801.
- (2) The number of pieces washed off, and the reason for the washoff.
- (3) The quantity of spent solvent generated from each washoff and cleaning operation

D. COMPLIANCE REPORT: To comply with the provisions of 40 CFR 63.804 (a)(2), owner/operators shall maintain records demonstrating that the coatings and thinners are compliant according to Table 3 of 40CFR 63 Subpart JJ. These records shall include:

- (1) A certified product data sheet for each finishing material, thinner, contact adhesive, and strippable spray booth coating subject to the emission limits in Table 3;
- (2) The VHAP content (A list of VHAP can be found in Table 2 of Subpart JJ), in lb VHAP/ lb solids, as applied, of each finishing material and contact adhesive subject to the emission limits in Table 3; and
- (3) The VOC content, in lb VHAP/ lb solids, as applied, of each strippable booth coating subject to the emission limits in Table 3.

E. FORMULATION ASSESSMENT PLAN: The owner/operator shall prepare and maintain a record which:

- (1) Identifies VHAP from the list in Table 5 of 40 CFR 63 Subpart JJ, that are being used in finishing operations by the affected source;
- (2) If no VHAP from Table 5 of 40 CFR 63 Subpart JJ is used then the record shall reflect that; otherwise
- (3) The owner/operator should follow guidelines for the formulation assessment plan as presented in 40 CFR 63.803 (l), Formulation assessment plan for finishing operations;

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- (4) If after November 1998, an affected source uses a Volatile Hazardous Air Pollutant (VHAP) of potential concern as listed in Table 6 of 40 CFR 63 Subpart JJ, and exceeds the de minimis level, then the affected source shall provide an explanation to the permitting authority that documents the reason for exceedance of the de minimis level. If the explanation is not one of those listed in paragraphs (1)(4)(i) through (1)(4)(iv) of 40 CFR 63.803, the affected source shall follow the procedures established in paragraph (1)(5).

6. Specific Reporting Requirements: 40CFR 63.807**No later than 60 days after November 21, 1997**

- a. 40 CFR 63.804, **INITIAL COMPLIANCE STATUS REPORT:** Stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.

Within 30 calendar days after May 21, 1998 and each six months thereafter

- b. 40 CFR 63.804, **COMPLIANCE CERTIFICATION** signed by a responsible official of the company that owns or operates the affected source to include:
- (1) Statement that compliant stains, washcoats, sealers, topcoats, basecoats, enamels, and thinners, as applicable have been used each day in the semiannual reporting period or should otherwise identify the periods of noncompliance and the reasons for noncompliance.
 - (2) Statement that the work practice implementation plan is being followed, or should otherwise identify the provisions of the plan that have not been implemented and each day the provisions were not implemented. During any period of time that an owner or operator is required to implement the provisions of the plan, each failure to implement an obligation under the plan during any particular day is a violation.
 - (3) Statement of whether or not the affected source was in compliance, and if not, what measures were taken to bring the affected source in compliance.

Monthly

- c. 401 KAR 50:060, Enforcement, **Material Usage Report** signed by a responsible official of the company that owns or operates the affected source, and submitted to the Division's Owensboro Regional Office with a copy to the Frankfort office. The material usage report shall specify the usage in gallons of each finishing material used, as well as the weight per gallon of VOC and VHAP for each material used. The material usages shall be recorded for each finish line per 24 hour period of operation.
7. These Conditions 1, 5, and 6 (Operating limitations, Recordkeeping, and Reporting) are intended to convey the requirements of 40 CFR Part 63, Subpart JJ, as applicable to the affected facilities permitted herein. This does not release the owner\operator of this source from responsibility for any requirements of Subpart JJ. not specifically stated in this permit.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4).

Description	Regulation
1. Pt. #4A Eclipse Drying Oven 2MMBTU/hr	401 KAR 59:015
2. Pt. #6A Eclipse Drying Oven 2MMBTU/hr	401 KAR 59:015
3. Pt. #7A Eclipse Drying Oven 1.5MMBTU/hr	401 KAR 59:015
4. Pt. #9A Eclipse Drying Oven 2MMBTU/hr	401 KAR 59:015
5. Pt. #36A Eclipse Drying Oven 3.5MMBTU/hr	401 KAR 59:015
6. Woodworking Operations	401 KAR 59:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - CONTROL EQUIPMENT CONDITIONS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. Pursuant to 401 KAR 50:012, Section 1(1), in the absence of a specific regulatory standard, all air contaminant sources shall as a minimum apply control procedures that are reasonable, available, and practical.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a) Date, place as defined in this permit, and time of sampling or measurements.
 - b) Analyses performance dates;
 - c) Company or entity that performed analyses;
 - d) Analytical techniques or methods used;
 - e) Analyses results; and
 - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b) Have access to and copy, at reasonable times, any records required by the permit:
 - i) During normal office hours, and

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i) During all hours of operation at the source,
 - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii) During an emergency; and
 - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i) During all hours of operation at the source,
 - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii) During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Records of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Owensboro Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Director in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. The owner or operator shall notify the Division for Air Quality's Owensboro Regional Office by telephone as promptly as possible any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions. In accordance with Regulation 401 KAR 50:055, Section 1, the reports shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
7. Emissions monitoring, analytical procedures, test methods, and averaging procedures shall be performed in accordance with 401 KAR 50:035, Section 7(1)(c), to demonstrate continuing compliance with applicable requirements.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

8. The permittee shall certify compliance within 30 days after the anniversary date of permit issuance with the terms and conditions contained in this permit, including emission limitations and standards and work practices, to the Division for Air Quality's Owensboro Regional Office and the U.S. EPA in accordance with the following requirements:
- a) Identification of each term or condition of the permit that is the basis of the certification;
 - b) The compliance status regarding each term or condition of the permit;
 - c) Whether compliance was continuous or intermittent; and
 - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e)..

Note 1: The permitting authority may require other facts beyond items a-d of condition #8 to determine the compliance status of the source, pursuant to 401 KAR 50:035, Section 7(2)(d).

Note 2: Instrumental or non instrumental monitoring, which may consist of record keeping, may be performed in addition to or in lieu of periodic testing to the extent necessary to yield reliable data for the purposes of demonstration of continuing compliance with the conditions of this permit.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d), and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act, and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c)3;

SECTION G - GENERAL CONDITIONS (CONTINUED)

- b) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- c) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- 4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.
- 5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. The permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the source after the date a complete permit application was submitted but prior to the release of the draft permit.
- 6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
- 7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
- 8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
- 9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6).
- 10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
- 11. This permit shall not convey property rights or exclusive privileges.

SECTION G - GENERAL CONDITIONS (CONTINUED)

12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield: Except as provided in 401 KAR 50:035, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed compliance with the specially identified applicable requirements as of the date of issuance of this permit.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for five years after the date of issuance. The permit shall become null and void after the expiration date unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit.
2. Notwithstanding the provisions in General Condition (b)1, if the permitting authority has received an application for renewal, deemed it administratively complete, and failed to reissue the permit for reasons other than cause, authorization to operate shall continue beyond the expiration date to the point of permit modification, reissuance, or revocation.

c) Permit Revisions

1. A permit revision shall not be required for changes which are explicitly authorized by the conditions of this permit.
2. A permit revision shall not be required for changes that are part of an approved economic incentive, marketable permit, emission trading, or other similar program or process which is specifically provided for in this permit.
3. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

SECTION G - GENERAL CONDITIONS (CONTINUED)

(d) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - i) An emergency occurred and the permittee can identify the cause of the emergency;
 - ii) The permitted facility was at the time being properly operated;
 - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (e)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

(f) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.

SECTION G - GENERAL CONDITIONS (CONTINUED)

- e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- 2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.